IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

BRENAN COLE,	et al)	
)	
	Plaintiffs,)	
)	
v.)	Case No. CIV-22-44-R
)	
AMC WEST HOUSING, LP)	
A foreign limited partnership, et al.,)	
)	
	Defendants.)	

Before the Court is the Motion for Pre-26(f) Disclosure (Doc. No. 22) filed by Plaintiffs. Defendants AMC West Military Housing and Balfour Beatty Communities responded in opposition to the motion. (Doc. No. 27) Upon consideration of the parties' submissions, the Court finds as follows.

ORDER

In the instant motion Plaintiffs seek to discover the identities of persons they reference in the Amended Petition as "CC-1-CC-10 Unindicted Co-Conspirators in *USA v*. *Rick Cunefare* 21-CR-319-EGS." (Doc. No. 7-1). "Plaintiffs request that the Court order Defendants Rick Cunefare and Balfour Beatty Communities LLC identify Co-Conspirators 1-10 by name, last known address and state whether or not they are represented by counsel." (Doc. No. 22, p. 2). Defendants Cunefare and Balfour Beatty were convicted upon guilty pleas of fraud against the United States and Plaintiffs seek to discover the identities of the unindicated co-conspirators for purposes of naming them in this action.

In response Defendants AMC West Housing, LP and Balfour Beatty Communities

LLC provide a number of reasons that the Court should deny Plaintiff's request for this

information from them. The Court need only address one of the Defendants' responses -"the identities of 'CC-1' to 'CC-10' are unknown to them." (Doc. No. 27, p. 5). Regardless
of whether it is the appropriate time for disclosures pursuant to Rule 26(a)(1)(C), the Court
cannot compel a party to provide information it does not possess. Accordingly, as to
Defendants' AMC West Military Housing and Balfour Beatty Communities, the Motion
for Pre-26(f) Disclosure is DENIED.¹

IT IS SO ORDERED this 10th day of March 2022.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE

¹ It does not appear that Defendants Steammart, LLC, Gregg Peterson Construction Group LLC, or Rick Cunefare have been served with process in this case and therefore the Court cannot address whether one or more should be compelled to provide this information, to the extent such knowledge is within their possession.